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**TITLE 326 AIR POLLUTION CONTROL BOARD**

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**FIRST NOTICE OF COMMENT PERIOD**

LSA Document #07-438

**DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING COMPLIANCE DETERMINATIONS WITH PARTICULATE MATTER LIMITATIONS FOR CERTAIN FACILITIES SUBJECT TO [326 IAC 6.5](#) AND [326 IAC 6.8](#)****PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to rules [326 IAC 6.5](#) and [326 IAC 6.8](#), concerning the use of alternative methods for the determination of compliance with particulate matter emission limits. IDEM seeks comment on the affected citations and any other provisions of Title 326 that may be affected by this rulemaking.

**CITATIONS AFFECTED:** [326 IAC 6.5](#); [326 IAC 6.8](#).

**AUTHORITY:** [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#).

**SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING****Basic Purpose and Background**

The purpose of this rulemaking is to amend [326 IAC 6.5](#) and [326 IAC 6.8](#) to allow certain operations subject to particulate matter emission limits to demonstrate compliance with those limits by implementing identified work practices and control technologies.

[326 IAC 6.5](#) establishes particulate matter control measures and emission limits for several Indiana counties previously designated as nonattainment with the National Ambient Air Quality Standards (NAAQS) for particulate matter. [326 IAC 6.5](#) applies particulate matter limits and control requirements for facilities located in Clark, Dearborn, Dubois, Howard, Marion, St. Joseph, Vanderburgh, Vigo, and Wayne counties. These control requirements for the listed counties include facility specific particulate matter emission limitations, a general particulate matter emission limit for all facilities, and industry specific particulate matter emission limits for fuel combustion generators, asphalt concrete plants, grain elevators, gray iron foundries, glass container manufacturing furnace operations, and mineral aggregate operations. [326 IAC 6.5-1-2](#) establishes a general particulate matter emission limit of seven-hundredths (0.07) gram per dry standard cubic meter (g/dscm) (three-hundredths (0.03) grain per dry standard cubic foot (dscf)).

[326 IAC 6.8](#) establishes similar particulate matter control measures and emission limits for facilities located in Lake County. [326 IAC 6.8-1-2](#) also establishes a general particulate matter emission limit of seven-hundredths (0.07) gram per dry standard cubic meter (g/dscm) (three-hundredths (0.03) grain per dry standard cubic foot (dscf)).

Operations subject to particulate matter emission limits established in [326 IAC 6.5](#) and [326 IAC 6.8](#) are required to conduct testing consistent with procedures listed in 40 CFR 60, Appendix A, Methods 1-5. Alternative procedures for determining compliance with the limits in [326 IAC 6.5](#) and [326 IAC 6.8](#) are permitted but must be jointly approved by the commissioner and the U.S. Environmental Protection Agency.

It may be practically or economically infeasible for certain small scale manufacturing operations subject to the general particulate matter emission limits established in [326 IAC 6.5](#) and [326 IAC 6.8](#) to demonstrate compliance with those limits through procedures listed in 40 CFR 60, Appendix A, Methods 1-5. For small scale manufacturing operations, such as surface coating, reinforced plastics composites manufacturing processes, and graphic arts manufacturing processes, the implementation of work practices listed in [326 IAC 6-3-2\(d\)](#) offers a feasible way to demonstrate compliance with particulate matter limitations.

Surface coating, reinforced plastics composites manufacturing processes, and graphic arts manufacturing processes subject to [326 IAC 6-3](#) particulate matter limitations are required to limit emissions through the use of a control device and the implementation of work practices listed in [326 IAC 6-3-2\(d\)](#). This rulemaking will consider amending [326 IAC 6.5](#) and [326 IAC 6.8](#) to permit these types of sources to demonstrate compliance through the use of the [326 IAC 6-3-2\(d\)](#) type work practice standards. IDEM specifically requests suggestions on other industry sectors and specific work practice standards that would be appropriate in demonstrating compliance for sources otherwise unable to efficiently and effectively verify compliance with the general particulate matter emission limits in [326 IAC 6.5](#) and [326 IAC 6.8](#).

**Alternatives To Be Considered Within the Rulemaking**

Alternative 1. No Action.

Alternative 2. Amend [326 IAC 6.5](#) and [326 IAC 6.8](#) to add specified work practice standards for specific industry sectors. Compliance with the specified work practice standards may be used by the specific industry sector to demonstrate and certify compliance with the general particulate emission limit under [326 IAC 6.5-1-2](#) or

[326 IAC 6.8-1-2](#). For example, this alternative could allow the industry specific work practice and control technology requirements outlined in [326 IAC 6-3-2\(d\)](#) to serve as an alternative compliance determination for small scale surface coating, reinforced plastics composites manufacturing processes, and graphic arts manufacturing processes. Other industry sectors and specific work practice standards could be identified and incorporated into [326 IAC 6.5](#) and [326 IAC 6.8](#).

#### **Potential Fiscal Impact**

Potential Fiscal Impact of Alternative 1. This alternative will have no fiscal impact.

Potential Fiscal Impact of Alternative 2. This alternative may not impose a fiscal impact on affected operations if the work practice and control technology requirements for surface coating, reinforced plastics composites manufacturing processes, and graphic arts manufacturing processes are incorporated into [326 IAC 6.5](#) and [326 IAC 6.8](#) as an optional compliance determination alternative. For operations choosing this option, this alternative may impose costs associated with implementing these work practices and control technologies. However, there is an expected fiscal benefit to small scale operations for which existing compliance determination requirements such as stack testing may not be economically feasible.

#### **Applicable Federal Law**

None.

#### **Small Business Assistance Information**

IDEM established a compliance and technical assistance (CTAP) program under [IC 13-28-3](#). The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with [IC 13-28-3](#) and [IC 13-28-5](#), there is a Small Business Assistance Program Ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP program, the monthly CTAP newsletter, and other resources available can be found at:

[www.in.gov/idem/ctap](http://www.in.gov/idem/ctap)

Small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Christina Lowry  
IDEM Compliance and Technical Assistance Program  
OPPTA - MC60-04  
100 N. Senate Avenue  
W-041  
Indianapolis, IN 46204-2251  
(317) 234-1191  
[clowry@idem.in.gov](mailto:clowry@idem.in.gov)

The Small Business Assistance Program Ombudsman is:

Megan Tretter  
IDEM Small Business Assistance Program Ombudsman  
MC 50-01--IGCN 1307  
100 N. Senate Ave.  
Indianapolis, IN 46204-2251  
(317) 234-3386  
[mtretter@idem.in.gov](mailto:mtretter@idem.in.gov)

#### **Public Participation and Workgroup Information**

At this time, no workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Sean Gorman, Rules Development Section, Office of Air Quality at (317) 234-3533 or (800) 451-6027 (in Indiana).

#### **STATUTORY AND REGULATORY REQUIREMENTS**

[IC 13-14-8-4](#) requires the board to consider the following factors in promulgating rules:

- (1) All existing physical conditions and the character of the area affected.
- (2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- (3) Zoning classifications.
- (4) The nature of the existing air quality or existing water quality, as the case may be.
- (5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- (6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to human, plant, animal, or aquatic life or to the reasonable enjoyment of life and property.

#### **REQUEST FOR PUBLIC COMMENTS**

At this time, IDEM solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule.

- (2) The submission of suggestions for the development of draft rule language.
- (3) The submission of suggestions for industry sectors that could benefit from alternative methods to demonstrate compliance with [326 IAC 6.5](#) and [326 IAC 6.8](#).

Mailed comments should be addressed to:

#07-438(APCB) PM Work Practices  
Sean Gorman Mail Code 61-50  
c/o Administrative Assistant  
Rules Development Section  
Office of Air Quality  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, Indiana 46204.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the tenth floor reception desk, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Section at (317) 233-0426.

#### **COMMENT PERIOD DEADLINE**

Comments must be postmarked, faxed, or hand delivered by August 24, 2007.

Additional information regarding this action may be obtained from Sean Gorman, Rules Development Section, Office of Air Quality, (317) 234-3533 or (800) 451-6027 (in Indiana).

Pat Troth, Chief  
Rules Development Section  
Air Programs Branch  
Office of Air Quality

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